

Application No. 10/665245
Examiner: B. Avery
Art Unit 3618
Office Action dated June 7, 2005

REMARKS

Reconsideration and reexamination are respectfully requested in view of the above amendments and following remarks. Claims 1, 3, 4, 8, and 9 have been amended. The revision of claims 1 and 8 are supported, for instance, at original claim 2, page 11, lines 11-12 and Figures 1-9. The revision of claim 9 is supported, for instance, at page 13, lines 4-6 and original claims 1 and 6. No new matter has been added. Claims 1 and 3-11 are pending.

Claim 2 was considered allowable on page 5 of the Office Action. However, claim 2 is also listed in the rejection at page 4. Clarification as to the allowability of claim 2 is requested. Claim 2 has been canceled herein without prejudice or disclaimer, and much of its language has been added into claim 1. Applicants reserve the right to reintroduce claim 2 into this or a later filed application if claim 2 is not in fact allowable.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 recites a banking angle between the front and rear cylinders of the V-type engine that is equal to or greater than approximately 90°. The language in question, including the use of "or" and "approximately", is acceptable and in compliance with 35 U.S.C. 112, second paragraph. See MPEP 2173.05(b)(A) discussing the term "about"; and MPEP 2173.05(h)(II). Applicants respectfully submit that the banking angle language is definite. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 3, 4, 6-9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawano (U.S. Patent No. 4,700,799).

In addition, claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawano (above) in view of Shinozaki (U.S. Patent No. 4,440,255).

In addition, claims 1-4 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuboi (U.S. Patent No. 4,706,774) in view of Kawano (above).

Much of the language from claim 2 has been added into claim 1. Since claim 2 has been indicated as reciting allowable subject matter by the Examiner, claim 1 should now be allowable. Claims 3-7 depend upon claim 1. Therefore, Applicants respectfully submit that these claims are allowable over Kawano, and Kawano in view of Shinozaki, for at least the same reasons with respect to claim 1, and need not be distinguished separately. Applicant reserves the right to make further argument with respect to any of claims 3-7 at a later date.

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Claim 8 recites a low floor type vehicle having a diamond type frame with a head pipe, right and left upper frames extended backward and downward from the head pipe, and right and left down frames extended downward from the head pipe and coupled to a front of a crankcase of an engine. In addition, right and left low floor supporting frames are fixed to lower parts of the right and left down frames, respectively, and a low floor is supported by the right and left low floor supporting frames. The engine is mounted on the frame below the low floor of the low floor type vehicle.

Kawano does not disclose a low floor type vehicle as recited in claim 8. For example, Kawano does not disclose upper frames and down frames of a diamond type frame that extend from a head pipe. In Kawano, no portion of the attachment member 3 extends from the pipe 24. Nor does Kawano disclose low floor supporting frames fixed to lower parts of the right and left down frames.

With respect to claims 1 and 8 and the Tsuboi reference, Tsuboi does not teach or suggest low floor supporting frames fixed to lower parts of right and left down frames. Tsuboi discloses main pipes 3 and down pipes 4. There is no mention of low floor supporting frames fixed to lower parts of the down pipes 4, nor of a low floor supported by the low floor supporting frames. Since Kawano and Tsuboi individually do not teach or suggest at least these features of claims 1 and 8, the claims are patentable over Tsuboi and Kawano.

Favorable reconsideration and withdrawal of the rejections are respectfully requested.

With the above amendments and remarks, Applicants believe that the pending claims are in a condition for allowance. Applicants respectfully request favorable reconsideration by the Examiner in the form of a Notice of Allowance. If any questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.

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Respectfully Submitted,

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